

REMARKS

I. Introduction and Claim Status

Claims 4–6 and 26–28 are canceled without prejudice or disclaimer. Claims 1, 12, 23, 34, and 45 are amended. Support for the amended claims can be found throughout the originally-filed specification, drawings, and claims, including at specification paragraphs [0035] – [0042], paragraphs [0077] – [0084], and Figs. 4 and 5. Claims 1-3, 7-25, and 29-55 remain pending. Favorable examination of this RCE application in light of these amendments and remarks is respectfully requested.

II. Provisional Double Patenting Rejection

In the Office Action, the Examiner provisionally rejected claims 1-55 on the ground of non-statutory, double patenting over claims 1-118 of copending U.S. Application No. 10/315,196. It is the Examiner's position that the referenced application and the instant application claim common subject matter of a "system and method for managing data having different formats into a portable (i.e. common) format". No claims have been allowed or issued in copending U.S. Application No. 10/315,196. Applicants, however, will be prepared to submit a Terminal Disclaimer upon allowance of the allegedly conflicting claims of application U.S. Application No. 10/315,196, as appropriate.

III. Rejections Under 35 U.S.C. § 102(e) and § 103(a)

A. Claim Rejections

In the Office Action, the Examiner rejected claims 1-6, 12-17, 23-28, 34-39, and 45-50 under 35 U.S.C § 102(e) as anticipated by U.S. Patent No. 6,516,326 to Goodrich et al. The Examiner rejected claims 7-11, 18-22, 29-33, 40-44, and 51-55 under 35 U.S.C § 103(a) as unpatentable over Goodrich et al. Claims 4-6 and 26-28 are canceled. Applicants respectfully traverse the rejections of the remaining pending claims for the following reasons.

B. Claims 1-3, 7-11, 23-25, and 29-33: Rule 131 Declaration

With regard to claims 1-3 and 7-11, submitted herewith is a Declaration under Rule 131 attesting to a date of completion of the subject matter of those claims which antedates Goodrich et al., thereby removing that reference as prior art. The rejections of claims 1-3 and 7-11 based on that reference are therefore rendered moot. There are no remaining rejections of claims 1-3 and 7-11 based on art of record. Claims 1-3 and 7-11 should therefore be allowed, which prompt action Applicants respectfully request.

With regard to claims 23-25 and 29-33, the attached Declaration antedates Goodrich et al. and therefore similarly eliminates that reference as prior art. The rejections of claims 23-25 and 29-33 based on that reference is therefore likewise rendered moot. There are no remaining rejections of claims 23-25 and 29-33 based on art of record. Claims 23-25 and 29-33 should therefore be allowed, which prompt action Applicants also respectfully request.

C. Claims 12-17 and 18-22: Rejections Under 35 U.S.C. §§102(e), 103(a)

With regard to claims 12-17, Applicants respectfully traverse the assertion by the Examiner that Goodrich et al. describes each and every feature of the claimed invention, including for all the reasons described in Applicants' response filed October 12, 2007, which reasons are incorporated herein. As noted in that response, the platform described by Goodrich et al. does not contemplate a system like that of claim 12, including recited features of a first software application that maintains data in a "first ODBC-compliant format" and a second software application that maintains data in a "second format other than an ODBC-compliant format." Nor does Goodrich et al. described that each of the first software application and second software application can each communicate, via first and second servers as recited, with a "professional services project management application."

As noted in prior response, even assuming arguendo that the electric power data taught by Goodrich et al. qualifies as data related to "professional services," the system described by that reference operates on individual local data sources that are each kept in diverse proprietary formats, none of which are designed or configured for portability. Each raw data source/software application taught by Goodrich et al. represents an Energy Management System (EMS) database encoded in a separate idiosyncratic format. See, e.g., Goodrich et al., Col. 1, line 65 - Col. 2, line 13. None of the individual (power facility) sources is described as hosting data in a "first ODBC-compliant format," or any other open, common, or portable format. It is only after the central CIM database(s) (e.g., elements 54, 62, or 72 shown in Fig. 2) taught by

Goodrich et al. perform a downstream aggregation process to accept raw data from proprietary sources that any common data format is achieved or enforced.

Moreover, and consistent with the fact that the local databases of Goodrich et al. are designed to remain secure from interaction with other parts of the network, Goodrich et al. further fails to describe the system is "adapted to transfer the data to at least said first software application in said first ODBC-compliant format." That is, unlike in the claimed invention in which both ODBC-compliant and other-than-ODBC-compliant data can be accessed, Goodrich et al. never describes the transfer or return of ODBC-compliant format data to individual sources. Transferring data back to individual local units in an "ODBC-compliant format" would serve no purpose in a platform where raw data is stored in proprietary format in local power stations, for secure local manipulation.

Lacking these and other features as recited, Goodrich et al. fails to anticipate claim 12 and the rejection of that claim based on that reference is overcome. Claims 13-17 distinguish over Goodrich et al. for at least the same reasons as claim 12 from which they depend, as well as further features recited therein. The rejection of claims 12-17 under 35 U.S.C. §102(e) is overcome and should be withdrawn. Allowance of claims 12-17 is respectfully requested.

The Office Action rejected claims 18-22 under 35 U.S.C § 103(a) as unpatentable over Goodrich et al., alleging that further features of those claims represent mere "design choice." Claims 18-22, however, distinguish over Goodrich et al. for at least the same reasons as claim 12 from which they depend, as well as further features recited therein. The rejection of claims 18-22 under 35 U.S.C § 103(a) is

overcome and should be withdrawn. Allowance of claims 18-22 is respectfully requested.

D. Claims 34-39 and 40-44: Rejections Under 35 U.S.C. §§102(e), 103(a)

The Examiner rejected claims 34-39 under 35 U.S.C. § 102(e) as being anticipated by Goodrich et al. Claim 34 recites a "distributed computer network" including features of a "first software application for maintaining data in a first, ODBC-compliant format" as well as a "second software application for maintaining data in a second format other than an ODBC-compliant format." Claim 34 further recites, among other additional features, a "professional services project management application" that is "adapted to transfer the data to at least said first software application in said first ODBC-compliant format." Goodrich et al. fails to teach every feature recited in claim 34, including the provisioning of a software application that individually maintains data in an "ODBC-compliant format," as well as a "professional services project management application" that is adapted to "transfer" the data back to at least the first software application in the "first ODBC-compliant format," as discussed above in connection with claim 12. Claims 35-39 distinguish over Goodrich et al. for at least the same reasons as claim 34 from which they depend, as well as further features recited therein. The rejection of claims 34-39 under 35 U.S.C. §102(e) is overcome and should be withdrawn. Allowance of claims 34-39 is respectfully requested.

The Office Action rejected claims 40-44 under 35 U.S.C. § 103(a) as unpatentable over Goodrich et al., alleging that further features of those claims represent mere "design choice." Claims 40-44, however, distinguish over Goodrich et

al. for at least the same reasons as claim 34 from which they depend, as well as further features recited therein. The rejection of claims 40-44 under 35 U.S.C § 103(a) is overcome and should be withdrawn. Allowance of claims 40-44 respectfully requested.

E. Claims 45-50 and 51-55: Rejections Under 35 U.S.C. §§102(e), 103(a)

The Examiner rejected claims 45-50 under 35 U.S.C § 102(e) as being anticipated by Goodrich et al. Claim 45 recites a "network for managing professional legal services" including features of a "first software application for maintaining data in a first ODBC-compliant format" as well as a "second software application for maintaining data in a second format other than an ODBC-compliant format." Claim 45 further recites, among other additional features, a "professional services project management application" that is "adapted to transfer the data to at least said first software application in said first ODBC-compliant format." As in claim 34, Goodrich et al. fails to teach every feature recited in claim 45, including any software application that maintains data in an "ODBC-compliant format," as well as a "professional services project management application" that is adapted to "transfer" the data back to at least the first software application in the "first ODBC-compliant format," as discussed above in connection with claims 12 and 34. Claims 46-50 distinguish over Goodrich et al. for at least the same reasons as claim 45 from which they depend, as well as further features recited therein. The rejection of claims 45-50 under 35 U.S.C. §102(e) is overcome and should be withdrawn. Allowance of claims 45-50 is respectfully requested.

The Office Action rejected claims 51-55 under 35 U.S.C § 103(a) as unpatentable over Goodrich et al., alleging that further features of those claims

represent mere "design choice." Claims 51-55, however, distinguish over Goodrich et al. for at least the same reasons as claim 45 from which they depend, as well as further features recited therein. The rejection of claims 51-55 under 35 U.S.C § 103(a) is overcome and should be withdrawn. Allowance of claims 51-55 respectfully requested.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-2961.

Respectfully submitted,

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